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SESSION 1931

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS

of the

SELECT STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

No. 1

THURSDAY, JUNE 18, 1931

WITNESSES:

James C. Young, Alexander Campbell, Frederick Benjamin Chidwick,
James G. Harvie, Patrick J. McCormick, Dennis Arthur Daley.

ORDERS OF REFERENCE

HOUSE OF COMMONS,

THURSDAY, April 23, 1931.

Resolved, That the following Members do compose the Select Standing Committee on Privileges and Elections:—

Messieurs:

Anderson (<i>Toronto High Park</i>)	Lennox
Beaubien	MacDonald (<i>Cape Breton South</i>)
Burns	MacNicol
Casgrain	Marcil
Casselman	McPhee
Duff	Mercier (<i>St-Henri</i>)
Dupré	Morand
Elliott	Ralston
Esling	Spencer
Gagnon	Stinson
Gardiner	Sullivan
Gray	Thompson (<i>Simcoe East</i>)
Hanson (<i>York-Sunbury</i>)	Turnbull
Jacobs	
Lapointe	
Lawson	

Attest.

(Signed) ARTHUR BEAUCHESNE,
Clerk of the House.

Ordered, That the Select Standing Committee on Privileges and Elections be empowered to examine and inquire into all such matters and things as may be referred to them by the House; and to report from time to time their observations and opinions thereon, with power to send for persons, papers and records.

Attest.

(Signed) ARTHUR BEAUCHESNE,
Clerk of the House.

THURSDAY, June 4, 1931.

Ordered, That all correspondence and other communications in the possession of the Government relating to the preparation of the voters' list for the municipality of Port McNicoll, in the riding of East Simcoe, and a copy of the

SELECT STANDING COMMITTEE

original list prepared by the enumerator, and of the revised list as prepared by him for use on election day, together with a copy of any communications exchanged between the Chief Electoral Officer and the returning officer or any other person as to the conduct of the poll on election day, laid on the Table of the House on Wednesday, the 27th May, 1931, be referred to the Select Standing Committee on Privileges and Elections with instructions to inquire fully into the registration and polling of the votes or other related matter in connection with the election in the electoral division of East Simcoe, on July 28, 1930.

Attest.

(Signed) ARTHUR BEAUCHESNE,

Clerk of the House.

THURSDAY, June 18, 1931.

Ordered, That the said Committee be given leave to print, from day to day, the minutes of proceedings and evidence taken, and also such papers and documents as may be directed by the said Committee to be printed, for the use of the Committee and of Members of the House, and that Standing Order 64 be suspended in relation thereto.

Attest.

(Signed) ARTHUR BEAUCHESNE,

Clerk of the House.

REPORT OF THE COMMITTEE

THURSDAY, June 18th, 1931.

The Select Standing Committee on Privileges and Elections begs leave to present the following as its first Report:—

Your Committee recommends that it be given leave to print, from day to day, the minutes of proceedings and evidence taken, and also such papers and documents as may be directed by the said Committee to be printed, for the use of the Committee and of Members of the House, and that Standing Order 64 be suspended in relation thereto.

All of which is respectfully submitted.

R. B. HANSON,

Chairman.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS, ROOM 268,

WEDNESDAY, June 10, 1931.

The Select Standing Committee on Privileges and Elections met this day at eleven o'clock a.m., the Chairman, Mr. Hanson, presiding.

The following members were present: Messrs. Anderson, Burns, Casgrain, Casselman, Duff, Elliott, Esling, Gray, Hanson, Jacobs, Lapointe, Lawson, MacNicol, Stinson, Thompson, Turnbull.

The Chairman read the Order of Reference of June 4, relative to an inquiry into the registration and polling of the votes or other related matter in connection with the election in the electoral division of Simcoe East, on July 28, 1930.

On motion of Mr. Thompson,

Resolved, that the following persons be summoned to appear before the Committee at 11 o'clock a.m., on Thursday, June 18:—

Alexander Campbell, Port McNicoll, Ont.

Frederick Benjamin Chidwick, Port McNicoll, Ont.

Dennis Arthur Daley, Port McNicoll, Ont.

James G. Harvie, Orillia, Ont.

Jos. J. D. McNamara, Penetanguishene, Ont.

James C. Young, Port McNicoll, Ont.

Jules Castonguay, Chief Electoral Officer, Ottawa.

Colonel O. M. Biggar, K.C., Ottawa.

Mr. Lawson referred to the advice given the Chief Electoral Officer by Colonel Biggar, as suggested by correspondence included in the Return laid on the Table of the House on May 27, and stated that in his opinion any memorandum confirming such advice should be produced before the Committee. After some discussion on the nature of the documents to be produced, the Chairman called the attention of the Committee to Section 76 of the Dominion Elections Act, 1927, subsection (5) of which provides that no other documents than those referred to under subsection (2) "shall be inspected or produced except under a rule or order of a Superior Court or of a judge thereof."

The Committee then adjourned till Thursday, June 18, at 11 o'clock a.m.

RUFIN ARSENAULT,

Clerk of the Committee.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS, ROOM 268,

THURSDAY, JUNE 18, 1931.

The Committee came to order at 11 o'clock, Mr. Hanson presiding.

Members present: Messrs. Anderson, Casgrain, Dupré, Elliott, Esling, Gagnon, Gray, Hanson, Jacobs, Lapointe, Lawson, MacDonald, MacNicol, Morand, Spencer, Stinson, Thompson and Turnbull.

On motion of Mr. MacNicol, seconded by Mr. Stinson, resolved that the Committee report to the House recommending that it be given leave to print, from day to day, the minutes of proceedings and evidence taken, and also such papers and documents as may be directed by the Committee to be printed for the use of the Committee and of Members of the House, and that Standing Order 64 be suspended in relation thereto.

The following witnesses were called, sworn, examined and discharged:—

James C. Young, Port McNicoll, Ontario; Alexander Campbell, Port McNicoll, Ontario; Frederick Benjamin Chidwick, Port McNicoll, Ontario; James G. Harvie, barrister, Orillia, Ontario; Patrick J. McCormick, Port McNicoll, Ontario; and Dennis Arthur Daley, Port McNicoll, Ontario.

At the request of the Committee, Mr. Castonguay, Chief Electoral Officer, produced the following documents:—

The original list of poll No. 1 of Port McNicoll, electoral district of Simcoe East, as prepared by the Enumerator;

The revised list of poll No. 1 of Port McNicoll, electoral district of Simcoe East, supplied to the Deputy Returning Officer of said poll;

The poll book of said poll No. 1 of Port McNicoll, letters A to L inclusive; and

The poll book of said poll No. 1 of Port McNicoll, letters M to Z inclusive.

The above were admitted as evidence and filed as Exhibits Nos. 1, 2, 3 and 4.

On motion of Mr. Lawson, seconded by Mr. Gagnon, the Clerk was instructed to provide for payment of witness fees and allowances to Mr. Patrick J. McCormick whose name appears in the list of witnesses called as above stated.

On motion of Mr. Lawson, seconded by Mr. MacNicol, the Clerk was also instructed to issue subpoenas to the following persons, requesting their attendance before the Committee on Tuesday, June 23, at 11 a.m., viz:—

William Ramsay, Port McNicoll, Ontario.

Joseph Connolly, Port McNicoll, Ontario.

Clifford Graham, Port McNicoll, Ontario.

Mr. J. D. J. McNamara, one of the witnesses summoned to appear before the Committee this date, was also instructed to be again in attendance on Tuesday, June 23.

On motion of Mr. Gray, the Committee adjourned till 11 o'clock, on Tuesday, June 23.

RUFIN ARSENAULT,

Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 268,

THURSDAY, June 18th, 1931.

The Select Standing Committee on Privileges and Elections met at eleven o'clock, R. B. Hanson presiding.

The CHAIRMAN: We have a quorum now and I think we might proceed. You are all familiar with the order of reference. The House ordered: "That all correspondence and other communications in the possession of the government relating to the preparation of the voters list for the municipality of Port McNicoll, in the riding of East Simcoe, and a copy of the original list prepared by the enumerator, and of the revised list as prepared by him for use on election day, together with a copy of any communications exchanged between the Chief Electoral Officer and the returning officer or any other person as to the conduct of the poll on election day, laid on the table of the House on Wednesday, the 27th May, 1931, be referred to the Select Standing Committee on Privileges and Elections with instructions to inquire fully into the registration and polling of the votes or other related matter in connection with the election in the electoral division of East Simcoe, on July 28th, 1930."

Mr. Thompson, you are promoting this matter, are you ready to go on now?

MR. THOMPSON: Yes sir, I am ready.

The CHAIRMAN: Is it the desire of the committee that the evidence be printed? If so, there will have to be a motion to that effect.

MR. MACNICOL: It comes out in small printed pamphlets, does it?

The CHAIRMAN: Yes.

MR. MACNICOL: I move that the evidence be printed.

Motion carried unanimously.

The CHAIRMAN: Ordinarily we would not want to sit while the House is in session, but it was thought that the enquiry should be extended further. In order to sit while the House is in session it is necessary to have leave granted. What is your pleasure? I am in the hands of the committee.

MR. MORAND: I think we had better go on and see how the matter develops.

The CHAIRMAN: Very well.

MR. LAWSON: As this matter arose in Mr. Thompson's riding, he felt some diffidence about examining the witnesses and so forth, and he has asked me if I would assist him in that regard and therefore, on behalf of Mr. Thompson, I am going to ask that certain witnesses be called by the committee. The first one is Mr. Young of Port McNicoll.

JAMES C. YOUNG a witness called and being duly sworn, testified as follows:

By Mr. Lawson:

I think it is customary, Mr. Chairman, to allow the witnesses to be seated.

The CHAIRMAN: Yes, he may be seated. He had better sit somewhere near the reporter so he can hear.

MR. LAWSON: I would suggest that the reporter be seated between the witness and those asking questions. It would be an advantageous arrangement.

Q. Have you the full name and address of the witness, Mr. Chairman?

The CHAIRMAN: James C. Young.

Q. What is your occupation?—A. Clerk of the village.

Q. Clerk of the municipality?—A. Yes.

By Mr. Lawson:

Q. As clerk of the municipality, of the village of Port McNicoll, are you familiar with the territorial limits of that village?—A. Yes, sir.

Q. Do you know the location of the docks at which the C.P.R. steamers plying between Port McNicoll and Fort William and the head of the lakes dock?—A. Yes, sir.

Q. Are those docks within the territorial limits of the village of Port McNicoll?—A. Yes, sir.

Q. Are they within the territorial limits of the riding of East Simcoe?—A. Yes, sir.

Q. Have you any knowledge as to when the C.P.R. Steamer *Keewatin*—I do not know how they pronounce it, we will call it *Keewatin*—docks during its summer run at Port McNicoll?—when it docks, and when it leaves again for the head of the lakes?—A. It docks on Monday morning, eight o'clock, and leaves Wednesday afternoon at four o'clock.

Q. In the afternoon?—A. Yes.

Q. And returns when?—A. Monday morning at eight a.m.

Q. It arrives on the Monday of each week?—A. Yes.

Q. It leaves on Wednesday of each week at the times you have told us?—A. Yes, sir.

Q. Do you know personally Alexander Campbell?—A. Yes.

Q. How long have you known him?—A. About two years I guess I have known him.

Q. How and in what capacity have you known him?—A. I know him to work on the boats, also to live in the village.

Q. You say he lived in the village?—A. Yes, sir.

Q. Has he lived in the village during the two years that you say you have known him?—A. Yes, sir.

Q. And did you know where he lived in the village?—A. Yes, sir.

Q. And with whom did he live?—A. With Mrs. Scott, boarded with Mrs. Scott.

Q. And did he board with Mrs. Scott during the whole of each year, or during a part of each year?—A. Just part of each year, in the winter time.

Q. Where did he live so far as having his board and clothes and so forth is concerned, during the summer time?—A. On the boat.

Q. On the steamer?—A. On the steamer *Keewatin*, yes.

The CHAIRMAN: What years are you referring to?

Mr. LAWSON: He said he has only known him for two years. The past two years?

The WITNESS: The past two years, yes sir.

By Mr. Lawson:

Q. Did you, as clerk of the municipality, have occasion to see the original list posted by the rural registrar for polling subdivision No. 1 in the village of Port McNicol in the riding of East Simcoe?—A. Yes, sir.

Q. Was the name of Alexander Campbell upon that list?—A. It was on the list, yes.

Q. Did you have occasion to see the list for polling subdivision No. 1 in the village of Port McNicoll in the riding of East Simcoe as revised by the rural registrar for that polling subdivision?—A. I do not remember seeing the revised list any more than in a committee meeting I seen a list taken off.

Q. Saw what?—A. On the list that we had in the committee meeting I seen the name scored off.

Q. What name scored off?—A. Campbell's name taken off.

Q. Campbell's name scored off?—A. Yes, sir.

Q. Do you know Frederick Benjamin Chidwick?—A. Yes, sir.

I guess it would be about two years.

Q. How and in what manner have you known him?—A. As a sailor working on the boats, and he lived in the hotel one winter, as far as I remember.

Q. What winter?—A. It would be 1929, I think.

Q. The winter of 1929?—A. Yes.

Q. He lived in the hotel?—A. Yes.

Q. In Port McNicoll?—A. Yes, in Port McNicoll.

Q. And is that the same steamer?—A. The same *Keewatin*.

Q. Did you see the name of Frederick Benjamin Chidwick upon the list prepared by the rural registrar for polling subdivision No. 1 of the village of Port McNicoll in the riding of East Simcoe?—A. Yes, his name was on, too.

Q. Did you see his name upon the revised list subsequently issued by the registrar after revision?—A. Just in one of our committee meetings I seen the list.

Q. Yes. At this committee meeting at which you saw the list, was the name of Frederick Benjamin Chidwick still there?—A. No, struck off.

By the Chairman:

Q. What committee meeting was this?—A. A committee meeting of our own that we had.

Q. A political meeting?—A. Yes.

Mr. TURNBULL: You should get an order for that original list, although I am not objecting to it, now.

Mr. LAWSON: I might say, Mr. Chairman, I am going to call for it.

Hon. Mr. ELLIOTT: I suppose the original list is here, is it not?

The CHAIRMAN: I should think so.

Hon. Mr. ELLIOTT: Why should this gentleman give evidence about that original list, if it can be secured?

The CHAIRMAN: We have not got it now. Are you objecting to the questions?

Hon. Mr. ELLIOTT: No.

The CHAIRMAN: If there is no objection, we may proceed.

Hon. Mr. ELLIOTT: It is only encumbering the record.

Hon. Mr. LAPOINTE: We know all about this.

Mr. LAWSON: Because of a question which was raised at a prior meeting of this committee as to our procuring those lists I have tendered the evidence as a ground work for my subsequent motion before this committee.

The CHAIRMAN: I think we ought to allow him to proceed unless formal objection is taken, and then we will have to deal with the question.

Hon. Mr. LAPOINTE: We know they were stricken off after communication with the officer.

The CHAIRMAN: We are establishing the fact—I presume the members of the committee are establishing the fact.

Hon. Mr. LAPOINTE: It is useless for this witness to say "I seen they were stricken off."

The CHAIRMAN: It goes to the weight, not so much to the admissability of it.

Proceed.

Hon. Mr. ELLIOTT: We ought to see the list, and I submit, Mr. Chairman, that the list itself is the best evidence.

The CHAIRMAN: You are quite right.

Mr. LAWSON: I am going to get the list, if I can.

The CHAIRMAN: Mr. Lawson said he was laying the foundation.

Hon. Mr. ELLIOTT: If he can possibly get it, why give other evidence as to those lists?

The CHAIRMAN: Proceed.

Mr. LAWSON: I am finished.

The CHAIRMAN: Are there any questions that anybody would like to ask this witness?

By Mr. Turnbull:

Q. Were these boats sailing, which you describe as arriving on Monday and leaving on Wednesday, during 1930, and particularly during July and June, 1930?—A. All the year round, during what we call the passenger service. The boats started to run in the month of April, but they did not run on schedule until May, from May up until near December on schedule.

Mr. GRAY: You have no connection whatever with the boat in question?—A. No, sir, I have no connection with the boats.

Mr. MACNICOL: I have a hazy recollection that in any place, outside municipalities outside of Toronto or large cities, if a voter finds himself off the voters' list on election day, all he would have to do would be to take two others whose names are on the list—A. That is right.

The CHAIRMAN: One other.—A. Yes, that is right.

Mr. MACNICOL: —and go to the poll and make application to vote.—A. This man did that.

Mr. GRAY: I object to the witness giving that evidence.

The CHAIRMAN: If he knows he can tell what transpired.

Mr. LAWSON: I am going to prove it to the hilt.

The witness retired.

ALEXANDER CAMPBELL, a witness called, and being sworn, testified as follows:—

By the Chairman:

Q. What is your name, occupation and address?—A. Alexander Campbell.

Q. What is your occupation?—A. SS. Keewatin, Port McNicoll.

Q. What is your occupation?—A. Sailor.

By Mr. Lawson:

Q. Mr. Campbell, what is your age?—A. 29 years of age.

Q. When did you come to this country first?—A. 1927.

Q. And where did you go to reside when you came here?—A. Owen Sound.

Q. How long did you remain in Owen Sound?—A. Exactly one year.

Q. And, then, where did you go to reside from Owen Sound?—A. Port McNicoll.

Q. And what time of the year did you go to reside in Port McNicoll in 1928?—A. June, 1928, the 14th of June.

Q. How long did you continue to reside at Port McNicoll after June 14, 1928?—A. Until 16th of December, 1929, I took a trip home.

Q. On the 16th of December when you took a trip to the Old Country—you returned to Canada, when?—A. April, the 16th of April, 1930.

Q. April 16, 1930. On your return to Canada, where did you continue your residence?—A. Port McNicoll again.

Q. How long did you remain as a resident of Port McNicoll after April 16, 1930?—A. Until now.

Q. Until now. What is the nature of your residence in Port McNicoll during these years. I mean by that, do you maintain a house or do you rent a room?—A. I room.

Q. You rent a room. Do you maintain that room as your own during the whole period of the year or just during parts of the year?—A. I ask them to hold it but I do not pay for it in the summer time, I only pay for the four months during the winter.

Q. What do you do in the summer time?—A. Well, on the SS. *Keewatin*.

Q. On which ship you are employed?—A. Yes.

Q. And do you move your personal effects, such as your clothes, on to this steamer?—A. Yes, sir.

Q. Then you told me you asked them to keep your room in Port McNicoll?—A. Yes.

Q. Do you go back to that room in the winter?—A. That same room.

Q. Then, are you a British subject?—A. Yes.

Q. When you are upon the steamship *Keewatin* working in the summer time where do you receive your mail?—A. I receive some on the boat and others which goes to the general delivery of the house where I stay.

Q. To the general delivery what?—A. To the house I stay in during the winter; they have a box, general delivery.

Q. Oh, I see. The people with whom you room in the winter time?—A. Yes, have a box.

Q. They maintain a box?—A. Yes.

Q. In the general post office at Port McNicoll?—A. Yes.

Q. And your mail during your absence goes either to that box— —A. Or to the steamboat office.

Q. Or to the steam boat office?—A. Yes.

Q. You receive it there?—A. Yes.

Q. What portion of each week is the steamship *Keewatin* back at Port McNicoll?—A. It docks Monday morning at eight o'clock, leaves Wednesday afternoon at four o'clock.

Q. Of each week?—A. Of each week.

Q. During the season that you are employed upon the vessel?—A. From May until the end of September.

Q. And did you make any enquiries prior to election day, which was July 28, 1930, for the last Dominion Election, to ascertain whether or not your name was upon the list of voters entitled to vote at the election?—A. No, sir. I had been allowed to vote the year before and I did not think there would be any objection the next year.

Q. You mean in the provincial election of 1929?—A. Yes, sir.

Q. You voted. Then, on the day of the election, what we call polling day? —A. Yes.

Q. —the 28th of July, 1930, did you endeavour to vote?—A. Yes.

Q. And where did you endeavour to vote?—A. Where they were taking—

Q. What place was it in?—A. The curling rink in Port McNicoll?

Q. Did you know the name and number of the polling sub-division at which you attempted to vote?—A. No, sir.

Q. What time of the day did you go to attempt to vote?—A. About two o'clock in the afternoon.

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Q. Would you just tell us what occurred, who did you see, what did you say, and what did they say to you?—A. I could not do that with truth.

Q. Let me see. You went into the polling booth, and did you ask somebody to let you vote?—A. Yes.

Q. Was the man you asked to let you vote seated at a table or standing up?—A. He was sitting at a table.

Q. Do you know his name?—A. Yes.

Q. What is his name?—A. Daly.

Q. What?—A. Daly, I think.

Q. And what did he say about your voting?—A. He said, "No."

Q. Yes?—A. Finlayson asked him why.

Q. Who?—A. Finlayson.

Q. Mr. GRAY: Who is Finlayson?—A. The Minister of Lands and Forests for Canada.

Q. For Canada?

Mr. LAWSON: No, we will limit it.

The CHAIRMAN: Ontario.

Mr. LAWSON: That is evidence of the regard with which he is held in the constituency. I am sorry I interrupted you.

Mr. GRAY: Finlayson said what?—A. He asked why he could not let me vote.

By Mr. Lawson:

Q. What did Mr. Daly do?—A. He looked at the names on the list, and my name was there and it was scored off.

Q. Your name was on the list and scored off?—A. Yes.

Q. What next happened?—A. He asked if he would let me vote if I took the oath.

Q. Who is he, Finlayson?—A. Finlayson.

Q. Finlayson asked if you would be allowed to vote if you took the oath?—A. Yes.

Q. Then, what happened?—A. I was asked to take the oath anyway.

Q. Yes?—A. And I took the oath.

Q. You took the oath?—A. Yes.

By Mr. Gray:

Q. Who asked you to take the oath?—A. A man by the name of Harvey; he is from Orillia.

By Mr. Lawson:

Q. Did you know who Mr. Harvey was?—A. No, sir. I gave the wrong answer to the other one, so I won't attempt this one.

Q. No, no you did not. Don't let that worry you. A. I think he is sitting out there, anyway.

Q. Harvey is sitting up here. Then the man who is sitting here is the Harvey to whom you refer?—A. Yes.

Q. You took the oath, and then what happened?—A. He swore I committed perjury?

Q. Harvey did?—A. Yes.

Q. Who did he swear that before?—A. Before that fellow who was taking the votes.

Q. Daly?—A. Yes.

Q. Then what happened?—A. The constable laid hands on me to take me to the jail, I suppose.

Mr. SPENCER: Will the witness speak up a little louder?

The CHAIRMAN: If you would not go so fast—do not talk quite so fast.

Mr. LAWSON: Let me pick up, for the benefit of the hon. members who did not hear the last of the remarks, you took the oath?—A. Yes, sir.

Q. A man by the name of Harvey then swore out an information before the D.R.O. Daly that you had committed perjury?—A. Yes, sir.

Q. You say the constable laid hands upon you and took you to the police station?—A. He did not take me.

Q. He did not take you?—A. Because Finlayson intervened.

By Mr. Gray:

Q. Who intervened?—A. Finlayson.

Q. This man Finlayson?—A. This Mr. Finlayson.

By Mr. Lawson:

Q. The constable laid hands upon you, and what did Mr. Finlayson say or do? You say he intervened?—A. I cannot say exactly what he did, but I was relieved, anyway.

Q. As a result of what he said, which must have been very effective, the constable let you go, did he?—A. Yes.

Q. What did you do, walk out of the polling booth?—A. Walked out and went back to the boat?

Q. Did you vote?—A. No, I did not vote.

Q. When you took the oath was there any person there to vouch for you?—A. Yes, sir.

Q. Who was that man?—A. Bert Scott.

Q. Is Bert Scott an elector in the riding of East Simcoe?—A. I think, but I am not sure.

Q. Then you say you did not vote?—A. No, I did not.

Q. Why?—A. Because they would not let me.

Q. When you went to Scotland for a holiday, you told us in December of 1929, and returned on April 16, 1930, did you purchase a return ticket or a single fare ticket?—A. A return ticket.

Q. Was it your intention, when you left this country, to go to Scotland, to return to Canada?—A. Yes, sir, fully.

Mr. LAWSON: That is all, thank you.

By Hon. Mr. Elliott:

Q. Just a question, Mr. Campbell. I think I have understood you pretty correctly. Is this correct, did you have your boarding house at Port McNichol and leave it when you went on to the boat?—A. Yes, sir.

Q. And you ceased to pay board or lodging when you went onto the boat?—A. Yes.

Q. And that also applies to your trip to Scotland?—A. Yes.

Q. And you went onto the boat about the— —A. About the 10th of April. Which year do you mean on the boat?

Q. 1930?—A. 1930, the 16th April.

Q. On the 16th April you went onto the boat and ceased to pay lodgings at Port McNichol and resided on the boat?—A. Yes, sir.

Q. And the only connection you had with your landlord was that some of your mail came into their box?—A. That is all.

By Hon. Mr. Lapointe:

Q. When did you come back from Scotland?—A. The 16th April, 1930, I arrived at Port McNichol.

Q. And you left your room when?—A. I left the boat to go to Scotland on the 16th December.

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Q. And you came back from Scotland in April?—A. Yes, in April, 1930.

Q. And went on the boat?—A. And went on the boat.

Q. Your room there, were you paying for it by the month or by the week?—A. By the week.

By Mr. Gray:

Q. You say you left the boat on the 16th to go to Scotland?—A. It might be the 12th; I could not say that for sure; it is either the 12th or the 16th.

Q. You were living on the boat at that time?—A. Yes.

Q. As a ship's housekeeper, or what?—A. As a watchman.

Q. A watchman on the boat?—A. Yes.

By the Chairman:

Q. Was the boat at the dock?—A. Yes, the boat was tied at the dock seven days before we were laid off.

By Mr. Morand:

Q. And the boat stays there all winter?—A. Yes.

By Mr. Lawson:

Q. Some member of the committee asked me to ascertain; were you ever brought before a court after this occasion on which the constable arrested you and then Mr. Finlayson procured your release?—A. No, sir.

Hon. Mr. ELLIOTT: It is not necessary to ask that question.

Mr. MACNICOL: I would like to ask him who allowed him to take the oath. If the returning officer allowed him to take the oath, was it because he thought he was entitled to vote, or did he allow him to take the oath to have him arrested afterwards.

Hon. Mr. ELLIOTT: I suppose the returning officer has to allow him to take the oath.

Mr. MACNICOL: That was what I wanted to find out, why he did not get the ballot afterwards.

The CHAIRMAN: He was arrested.

Mr. MACNICOL: In other words he was intimidated. I do not say he was intimidated, Mr. Chairman.

The CHAIRMAN: Who is your next witness?

FREDERICK BENJAMIN CHIDWICK, a witness, called and being duly sworn testified as follows:—

By Mr. Lawson:

Q. Mr. Chidwick, how old are you?—A. 24, sir.

Q. Where were you born?—A. London, England.

Q. Are you a British subject?—A. Yes.

Q. When did you come to Canada?—A. 1922, September 22nd.

Q. Have you remained in Canada ever since?—A. Except that in 1924 I went to England for a holiday.

Q. When you came to Canada, where did you go to reside?—A. When I first came to Canada I went to Shelburne, where I resided on a farm for fourteen months.

Q. That is Shelburne, in the Province of Ontario?—A. Yes.

Q. After spending fourteen months on a farm at Shelburne, where did you go?—A. I went to the City of Toronto, where I stayed for a few weeks, after which I went up to Port McNicoll.

Q. So that you have been in Port McNicoll, with the exception of the trip to England, of which you have told, since some time in the year 1923?—A. Yes, sir.

Q. And in Port McNicoll did you maintain a residence or board with somebody?—A. Yes, sir.

Q. Which?—A. I boarded at the C.P.R. Hotel and also a boarding house of Mrs. Turcotte's, and also the boarding house of Parent; he is not there now; he has sold out.

Q. But that is a home in which you have boarded?—A. Yes.

Q. And did you board in these places continuously during the whole of any year or during part of the year?—A. Parts of the year, sir.

Q. What part of the year did you board in these different places of which you have told us, in Port McNicoll?—A. Well, during April, May—March, April and May.

Q. You boarded in these different places of which you have told us?—A. Yes.

Q. And when you have not been boarding in these different places of which you have told us, in Port McNicoll, where have you been boarding?—A. I have been on the C.P.R. steamboats ever since.

Q. And at present I believe you are on the steamship *Keewatin*?—A. Yes.

Q. And in what capacity are you employed there?—A. As a waiter.

Q. And for what length of time have you been a waiter on the steamship *Keewatin*?—A. For five years.

Q. And during the winter—I am taking the months that you have not included as being on the ship—during the months of December, 1929, say, January, February, March and part of April, 1930, did you board and reside in Port McNicoll?—A. No, sir, I did not reside nowhere in particular. I have travelled around mostly, and taken short vacations up to Port McNicoll during that winter.

Q. Did you maintain a room that winter in any particular place?—A. No, sir.

Q. Then on what date in the year 1930 did you go upon the steamship *Keewatin*?—A. To the best of my knowledge it was on April 12th to the 15th.

Q. Somewhere between April 12th and 15th of 1930?—A. Yes, sir.

Q. And did you continue upon the steamship *Keewatin* from that date until after the 28th July, 1930?—A. Yes, sir.

Q. And on the steamship *Keewatin* you get your board?—A. Yes.

Q. And you keep your clothes there?—A. Yes, sir, except what I leave up with the lady where I have my washing done.

Q. That is, you have your washing done all the time in Port McNicoll?—A. Yes, sir.

Q. And you leave some of your clothes with the lady to keep for you?—A. Yes.

Q. Then, during the period of 1930, while you were upon the steamship *Keewatin*, what duration of time during each week did you with the steamship spend in Port McNicoll?—A. From 8 o'clock Monday morning until 4.30 Wednesday afternoon.

Q. And you told me you had your washing done in Port McNicoll. Where did you receive your mail?—A. In the post office at Port McNicoll and also at the Steamship office at Port McNicoll.

Q. There is not a postal delivery at Port McNicoll?—A. Only at the post office.

Q. You go for your mail to the post office?—A. Yes, sir.

Q. By the way, did you vote in the last provincial election, in 1929?—A. Yes, sir.

Q. And, on July 28, 1930, the polling day in the last election, did you attempt to vote?—A. Yes.

Q. Where did you attempt to vote?—A. At the curling rink in Port McNicoll.

Q. And what happened when you went there and attempted to vote?—A. I went up there first in the morning to get my vote. Deputy Returning Officer Daly looked up the list and saw my name on the list and said it was scratched out and that I was not entitled to a vote. Also in the afternoon I went up again and asked for my vote.

Q. Did you take anybody with you when you went in the afternoon?—A. There was Mr. McCormick and Dr. McPhee.

Q. Is Mr. McCormick an elector in the riding of East Simcoe?—A. I do not understand that, sir.

Q. Where does Mr. McCormick reside?—A. In Port McNicoll.

Q. How long has he resided there to your knowledge?—A. He has been there ever since 1924, when I went there.

Q. Then you went back in the afternoon and took another gentleman with you, Mr. McCormick, and Dr. McPhee, and then what occurred in the polling booth?—A. I went up and asked for my vote, and also District Returning Officer Daly said: If you will swear in, we will give you your vote. After swearing me in, Mr. Harvey, another gentleman who was there, from Orillia, started to tell District Returning Officer Daly that he was doing wrong by letting me vote, and kept at him until he made him change his mind, and after swearing me in, by the suggestion of Mr. Harvey, Mr. Daly had me arrested by Constable J. Bosley.

Q. And after you were arrested by Constable Bosley, what happened?—A. Mr. McCormick and Dr. McPhee came up with bail.

Q. After you were arrested by Constable Bosley, were you taken from the polling booth?—A. Constable Bosley came up and laid hands on me and said I was under arrest.

Mr. LAWSON: I think that is evidence of an arrest for the purpose of an action for false arrest anyway.

By Mr. Lawson:

Q. Then Constable Bosley told you you were under arrest, and did he remove you from the polling booth?—A. Mr. McCormick and Dr. McPhee came up and went bail for me.

Q. Did this all occur in the polling booth?—A. Yes, in the polling booth; Mr. Harvey saying that I was being arrested for perjury.

Q. Did you vote?—A. No, sir, they would not let me.

Q. Have you ever been brought up before a court in connection with this charge and arrest which was made?—A. No, sir, as far as I know, to the best of my ability, I am still under arrest for that. I have not heard anything different.

Mr. GRAY: It was not close arrest, anyway.

By Mr. Lawson:

Q. We call arrest, Mr. Chidwick, when a man is under custody. Were you allowed out on bond?—A. I was let out on bail.

Q. And, so far as you know, your bail has not been released?—A. No, sir.

Q. But you have not been summonsed or brought before any court since that day?—A. No, sir.

By Mr. Spencer:

Q. I would like to ask whether you know if money was put up by the guarantor, and whether it has been paid back again?

The CHAIRMAN: We need not worry about that, as to the bail money.

Hon. Mr. ELLIOTT: I do not suppose that the witness knows whether there was bail money put up or not.

The WITNESS: No, I do not know, sir.

Q. Have you ever been called upon before a court or magistrate to renew that bail since that time?—A. No, sir.

Q. Or to answer to any charge?—A. No, sir.

By Mr. Gray:

Q. You were not allowed to vote?—A. No, I was not allowed to vote after being sworn.

By Hon. Mr. Elliott:

Q. Do I understand you correctly to say that you have worked on the steamship *Keewatin* in the summer time?—A. Yes.

Q. And then when you finish your summer season you travel a good deal in different parts?—A. I am with the company from April until practically the end of December, and from that time until I join my ship again I am travelling around different cities, sometimes staying in one place and working for a short time.

Q. Sometimes staying at one place and sometimes at another?—A. Yes.

Q. And your only connection with Port McNicoll was that you considered that as your— —A. I always considered Port McNicoll as my home, my home town, as I have no other place.

Q. But when you came back from your travelling you went onto the boat?—A. Sometimes we stayed at the hotel, sir; but in the year 1930 we stayed in Port McNicoll prior to sailing about two weeks.

Q. What two weeks were those?—A. While we were fitting the boat out, sir.

Q. And you went on the boat on what day?—A. Around April 12th to the 15th.

By Mr. Gray:

Q. Did you ever stay in a bunkhouse or anything of that kind?—A. I have stayed in a bunkhouse in Port McNicoll in 1924, for around two months.

Q. But not in the spring of 1930?—A. No, sir.

By Hon. Mr. Lapointe:

Q. Where did you stay during the winter of 1930—A. I went down to Toronto, and also I was travelling back and forward to Port McNicoll.

By Mr. Gray:

Q. And where did you stay in Port McNicoll when you went back—A. Sometimes I went to visit friends and stayed with them.

By Mr. Morand:

Q. When you went back to Port McNicoll in 1930, did you just take your chance of getting a job?—A. No, sir, I was hired.

By Mr. Anderson:

Q. You were a single man?—A. I was then, sir, but I am married now; I was married last December.

By the Chairman:

Q. Where is your home now?—A. I am just boarding with my wife's people in Midland, but my home town is still Port McNicoll.

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By Hon. Mr. Lapointe:

Q. But your wife lives in Midland?—A. My wife lives in Midland with her family, sir.

By the Chairman:

Q. Is it in the same county and the same constituency?—A. In Midland, that is just four and a half miles from Port McNicoll.

Hon. Mr. ELLIOTT: We know it is in the same constituency, Mr. Chairman.
The CHAIRMAN: I did not know that. Are there any other questions?

JAMES G. HARVEY, a witness, called and being duly sworn testified as follows:

By the Chairman:

Q. What is your post office address and occupation?—A. Orillia, Ontario; occupation, barrister.

By Mr. Lawson:

Q. You told the Chairman, Mr. Harvey, that you resided in Orillia?—A. Yes, sir.

Q. What distance is Orillia from Port McNicoll?—A. About twenty-five miles.

Q. Have you ever been a resident in Port McNicoll?—A. No.

Q. In the last Dominion Election you were apparently in the polling booth in the curling rink in Port McNicoll. In what capacity were you there?—A. As agent for the Liberal candidate, Mr. McLean.

Q. In the provincial election of 1929, I believe you were the Liberal candidate in the provincial constituency similar to this dominion constituency?—A. Yes.

Q. Have you ever lived in Port McNicoll?—A. No.

Q. Have you spent any particular portion of your time there?—A. No, just through it very often.

Q. Have you ever met or did you know personally either Frederick Benjamin Chidwick or Alexander Campbell, prior to the polling day, July 28, 1930?—A. No.

Q. On July 28, 1930, do you recollect the circumstance of Alexander Campbell coming to the polling booth in which you were the Liberal scrutineer and making application for a ballot?—A. I recollect two men; I could not identify them by their names.

Q. Having seen Alexander Campbell here this morning, do you recognize him as one of the men?—A. No, I cannot identify him.

Q. Of the two men who came to the booth in respect of which you were very active in challenging their vote—

Mr. GRAY: Why add that? I object to that. Ask him the question.

By Mr. Lawson:

Q. On the polling day did both these men, of whom you have not a distinct recollection, appear and were they refused a ballot both in the morning and both in the afternoon, or one in the morning and one in the afternoon?—A. I do not recall just the time they were refused, but they were refused at first and then they were sworn in later.

Q. You heard the statement made here to this committee this morning by Alexander Campbell, the second witness called but the first of the two men who alleged that they were refused the ballot?—A. Yes.

Q. Do you disagree with his evidence?—A. No, it is substantially correct.

Q. That is as to the occurrences in the polling booth?—A. Yes, as to my part in it.

Q. Did you challenge this man's right to vote?—A. Yes.

Q. Were you present when he took the oath prescribed by the Dominion Elections Act?—A. Yes.

Q. Did he have with him one who alleged he was an elector in the riding of East Simcoe, to vouch on his behalf as required by the Act?—A. Yes, I think he did.

Q. And did that person signify his willingness to vouch?—A. Yes, I think he did.

Q. Then, Campbell having taken the oath, did you swear out an information against him for perjury before the Deputy Returning Officer, Daly?—A. Yes, I think it was I,—either I or the Deputy, but I think I did.

Q. And on what information did you swear that information before the Deputy Returning Officer?—A. On the information of the registrar himself.

Q. Who was the registrar?—A. Mr. Joseph Connolly.

Q. And what information did the registrar, Connolly, give you?

Mr. GRAY: That is not evidence, surely; the registrar is here.

The CHAIRMAN: He can give the information.—A. Well, the registrar informed me that this man was a non-resident of Port McNicoll and had been a sailor, and I think—I do not identify either of the men clearly, but I think one of them had been a sailor a previous year and had gone to England or Scotland and had just returned in time to take employment on the boats.

Q. Is that the only information you had upon which to swear that information?—A. That is all.

Q. You had no personal knowledge of these men at all?—A. No personal knowledge at all.

Q. When and where did you obtain the information, of which you have told us, from the registrar, Connolly?—A. Mr. McLean, the candidate, I think told me the evening before of a number of men who had been struck off the list, who were sailors, and in his opinion there would be an attempt made—

By the Chairman:

Q. How many did he tell you had been struck off the list?—A. I do not remember clearly.

Q. Was there a large number?—A. Quite a number.

Q. The whole crew?—A. I do not remember that.

Q. I want to know whether it was wholesale or whether it was an isolated case.—A. If I remember correctly, I think there were some ninety people struck off the list. I do not know whether they were all sailors or not. That is only my memory. And Mr. McLean instructed me to go up to Port McNicoll the next day and if any of these men who had been struck off the list attempted to vote, I was to charge them with perjury, because they were not entitled to vote and were not residents there.

Upon going up there I conferred with Mr. Connolly, I think, about those who had been struck off; and he was present during the whole of the polling, and as each man came up, if he happened to be a man who was struck off the list I conferred with Mr. Connolly as to his right to vote and see to his being struck off the list.

Q. In what capacity was the registrar, Connolly, in the polling booth?—A. He was not in the booth. I do not recall whether he was an outside scrutineer, but he was on the job all day.

By the Chairman:

Q. Inside?—A. No, outside.

Q. And you communicated with him?—A. Yes.

By Mr. Lawson:

Q. And you were in the booth. A. Yes.

Q. And did I understand you to say that you thought this registrar may have been acting as scrutineer?—A. He may have been, but I do not recall.

Q. In any event, he remained outside of the booth all day and was available to you when you wanted him?—A. Exactly.

The WITNESS: I may say that Mr. Connolly had supported Mr. Finlayson against me in the previous provincial election.

Hon. Mr. Elliott:

Q. So that there was no partisanship?—A. I do not think so.

By Mr. Lawson:

Q. Did you not know that he was supporting Mr. McLean in the last election, and not Mr. Thompson?

An Hon. MEMBER: No, No.

Mr. LAWSON: The witness is no fool, he is a lawyer and I am going into that now that it has been raised. You agree with me; seeing that you have given us so much information voluntarily, Mr. Harvey, is it not a fact that you knew that this registrar, Connolly, was opposing Thompson, the Conservative candidate in the last dominion election?—A. Yes, I understood that.

Q. These informations for perjury that you swore out that day were there just two of them?—A. Yes, just two of them.

Q. Were they prepared in advance?—A. No, they were written right on the spot. I think I wrote them both out myself.

Q. Were there more than two prepared?—A. No, I do not think so.

By the Chairman:

Q. You prepared them as each case arose?—A. Yes.

Q. Were there blank forms there in the hands of the Deputy Returning Officer?—A. Yes, I asked the Deputy Returning Officer for the forms.

Q. And he had them?—A. Yes.

By Mr. Lawson:

Q. Can you tell me from your recollection, Mr. Harvey, whether or not there had been many voters cast their ballots in this poll before you swore out this first information for perjury?—A. Yes, I think quite a number. I do not think these chaps attempted to vote until rather late in the morning, at least one of them.

Q. Do you recollect a man by the name of Ramsay being on the list and voting?—A. No, I do not.

Q. Have you still in your possession the list of voters which you had with you that day as inside scrutineer?—A. I do not know.

Q. You haven't it with you in any event.—A. I have with me now a copy of the preliminary list that Mr. McLean loaned to me when I was coming down here yesterday.

Q. Is that a copy of the list which you had in your possession inside this poll on election day.—A. No, I do not think so. I think the list I had was simply a typed list of those on the voters' list. I do not recall that clearly.

Q. That would be what we lawyers call the revised list for polling day?—A. I do not recall. I knew that I had for myself a list of these men who had been struck off, and who it was thought would attempt to vote.

Q. Thought by Mr. McLean, the Liberal candidate, or by Mr. Connolly, the registrar?—A. By Mr. McLean in any event.

Q. Do you recollect a man by the name Collins voting that day?—A. No.

Q. Do you recollect a man by the name of Lytle voting that day?—A. No.

Q. Have any steps been taken by you since that day to prosecute these charges of perjury resulting from the information which you laid?—A. Not by me, no.

By the Chairman:

Q. You were the informant?—A. Yes, as the agent of the candidate.

Q. But you swore it out in your individual capacity?—A. Yes, I filled out the information, sir.

Q. And swore to it?—A. No, I do not think there was any form of oath at all. I had never seen an information in the form of that type before.

Q. In any event you did what the Deputy Returning Officer required of you on which to issue a warrant?—A. Yes.

Q. On which an officer acted in your presence?—A. Yes.

Q. Having accomplished the arrest of this man at that time, did you at any time take any further steps as informant?—A. No, I never did.

Q. You had accomplished your purpose when you had prevented that man voting?

Hon. MEMBERS: Oh, no, no.

The CHAIRMAN: It is a proper question.

Hon. Mr. ELLIOTT: We will have to withdraw that reference to perfection.

The CHAIRMAN: It is perfectly immaterial to me what the reference is. It was a perfectly proper question. He is asking him to draw the inference, and asking you to draw the inference.

Mr. LAWSON: I will withdraw that question and ask this question:

Q. Did you or did you not take any further steps or proceedings on the information?—A. No, none whatever.

Q. And if not, why not?—A. Because I had no instructions. I merely was acting on the instructions of the candidate, and I reported to him after it was done, and it was up to him to do whatever else he wanted to do.

Q. You thought you had done your duty?—A. Yes, absolutely.

By Mr. MacDonald:

Q. Did you have a list of names which you were to swear?—A. I had a list of names and I was instructed to issue an information against any of those men who attempted to vote who had been struck off.

Q. After you had sworn the information against those two, did any others attempt to vote?—A. I think not. I think only those two attempted to vote.

Hon. Mr. ELLIOTT: That showed that the candidate was correct.

Mr. LAWSON: I never could understand the psychology of a man who objects to a question by the chairman and then makes such a statement.

By Mr. Turnbull:

Q. What was the object of having those men arrested in the polling booth that day?—A. In my opinion they had committed perjury.

Q. Did it have any effect upon the other eighty-eight?—A. I do not know.

Mr. THOMPSON: The other eighty-eight were not there that day, that had been taken off the revised list.

The CHAIRMAN: We have no proof of that.

By Mr. Lawson:

Q. Have you any intention of proceeding with the prosecution which you set in motion by swearing out the information for perjury?

Mr. JACOBS: Mr. Chairman, I must object to that. My legal sense will not allow me to let a legal question of that kind be put. We cannot ask a man about his intentions. We may ask him about the past and the present, but not about the future.

Hon. Mr. ELLIOTT: I do not think that question is pressed.

Mr. LAWSON: I still think it is a proper question.

The CHAIRMAN: I would allow it, if you press the question; but I point out to you that in effect the witness has already answered that question. He has said it was not up to him but was up to Mr. McLean.

By Mr. Lawson:

Q. On the list supplied to you that day, as inside scrutineer and agent of the Liberal candidate, how many names were marked upon that list to be challenged if they attempted to vote; against how many were you to swear out information for perjury, if they attempted to vote.—A. I do not know the number of names, but I was to swear out information against anybody who had been on the list and had been struck off and who attempted to vote.

Q. Irrespective of whether they had lived in this municipality for fifty years or not,—surely you do not mean that?—A. That list had been submitted, as I understand, to the Chief Electoral Officer for a ruling and he had ruled that they had no right to vote.

Q. Unfortunately that is not so.—A. Those were my instructions, that they had been ruled off as not possessing the residential qualifications.

Q. Who gave you those instructions?—A. Mr. McLean.

Q. Mr. McLean informed you that the original list as prepared by the registrar and the revised list had been submitted to the Chief Electoral Officer who had ruled that these men were stricken off and were not entitled to vote? —A. I would not say that the list had been submitted, but I say that I understood that a ruling had been obtained from the Chief Electoral Officer as to these men, principally sailors who had not obtained residential qualifications.

Q. Then your instructions from Mr. McLean were not to swear out informations against all persons not on the list who attempted to vote but only against certain persons not on the list, who were alleged to be sailors?—A. I think those persons were those in connection with whom the ruling was obtained, and they were mostly sailors; and it was in connection with the sailors that I had my instructions, if I remember rightly.

By Hon. Mr. Lapointe:

Q. Do you say that you received information from Connolly, the registrar, before challenging those votes?—A. Yes, Mr. Connolly was outside of the booth, and word would come in to me if any of these men who came in had been struck off; word came in to me that they were not qualified to vote, and I then conferred with Mr. Connolly that these men had not the qualifications, and I then swore out the information.

Hon. Mr. LAPOINTE: May I ask whether Mr. Connolly has been summonsed to appear?

The CHAIRMAN: No, he has not been summonsed as yet. His name has not been given to the committee.

Mr. LAWSON: We are going to move for it, before the close of this sitting.

Q. One question arising from that: How did you communicate with Mr. Connolly? Did he come into the booth or did you go outside of the booth, or did you have a runner?—A. I do not remember particularly.

Q. Here is a big event in which you were taking considerable responsibility?—A. There was a good deal of excitement, quite a number had crowded in and Mr. Finlayson was there, and there was a good deal of noise and bickering. I do not know whether Mr. Connolly came inside or not, but I conferred with him outside several times probably,

Q. That is you would go to the door and communicate with him outside? —A. I say probably; I do not remember definitely whether he came in or not. I think it was mostly outside.

Mr. MACNICOL: I would like to make an observation, Mr. Chairman. Two men were prevented from discharging their franchise. That is the contention. What I am trying to get through my head is who was responsible.

The CHAIRMAN: That is one of the questions that the committee will have to decide.

By Hon. Mr. Elliott:

Q. You had a list supplied you, I understand, of those who were said to have been referred to in the rulings?—A. Yes.

Q. And you had your instructions as to those men not having the right to vote?—A. Yes.

Q. That was your information?—A. Yes.

Q. And acting on that information you took the course you did?—A. Exactly.

Q. Did you receive that information before the poll opened?—A. Yes, I received the information that it was thought an attempt would be made to have a number of sailors vote who did not possess qualifications.

Q. And you were given the list?—A. Yes. The same thing obtained, I think, in another part of the riding.

The CHAIRMAN: We are not concerned with that.

By Mr. Lawson:

Q. Do you know the number of this polling subdivision in which you were acting as inside scrutineer?—A. I cannot recall it.

Q. It was in the curling rink in Port McNicoll?—A. Yes.

The CHAIRMAN: Who is the next witness?

The WITNESS Will I be needed any more?

The CHAIRMAN: I do not know.

Mr. LAWSON: Not as far as I am concerned, Mr. Harvey.

PATRICK J. McCORMICK, a witness, called and being duly sworn testified as follows:

By the Chairman:

Q. What is your name, post office address and occupation?—A. Patrick J. McCormick, Port McNicoll.

Q. And what is your occupation?—A. General foreman of the Canadian Pacific steamships.

By Mr. Lawson:

Q. Are you a British subject?—A. I am.

Q. Have you resided in Port McNicoll, in the constituency of East Simcoe? —A. For seventeen years.

Q. On polling day, July 28, 1930, for the last Dominion election, did you go to the polling booth with a man by the name of Chidwick?—A. I did.

Q. What was the object of your going there?—A. To vouch that he was eligible to vote at that poll.

Q. Were you yourself an elector in the constituency of East Simcoe?—A. I was.

Q. And was this poll to which you went, at the curling rink in Port McNicoll, a poll in the constituency of East Simcoe?—A. It was.

Q. Can you tell me from your knowledge whether or not it was a rural or an urban poll?—A. No, I am not sure of that.

Q. Will you tell me what took place when you went to the poll?—A. Well, they refused—the Deputy Returning Officer refused to give a ballot to Chidwick, and he took the oath, and he still refused; and then they arrested him; and I went bail for him, and he was released.

Q. Did you offer to take any oath?—A. They swore me, too.

Q. You did take the oath then as a voucher for this man Chidwick?—A. I did.

Q. Then you say, as a result of something that happened, Chidwick was arrested and you went bail for him?—A. Yes.

Q. Do you remember whether in going bail for him you signed a document in which you agreed that if he failed to appear at a given time and place, you were to forfeit so much money to His Majesty the King?—A. No, I could not say.

Hon. Mr. ELLIOTT: The document should be produced.

The WITNESS: I do not think anything was signed.

By the Chairman:

Q. Did you make a promise in open court?—A. Just before the Deputy Returning Officer.

By Mr. Lawson:

Q. Have you ever been called into any court in connection with the matter since that day?—A. No.

Q. How long had you known this man Chidwick?—A. About six years.

Q. How and in what capacity had you known him?—A. As a steward on the *Keewatin*. And he was also on the *Albertan* for a year or two.

Q. On the steamship *Albertan* for a year or two, and then on the *Keewatin*?—A. Yes. He had been about five years on the *Keewatin*.

Q. Had he ever resided any place other than Port McNicoll?—A. No, he was away at times, but I considered Port McNicoll was his home.

Hon. Mr. ELLIOTT: That is a question for the committee.

By the Chairman:

Q. Did he ever live in the village to your knowledge?—A. Yes.

Q. When?—A. During the six years I have known him, off and on.

Q. And in the years 1929 and 1930?—A. Yes.

By Mr. MacNicol:

Q. On election day did these men go in their uniforms or in civilian clothes?—A. No, sir, they were in their shirts and trousers,—it was a very warm day.

Mr. MACNICOL: I would recognize especially Chidwick if I saw him ten years from now.

The WITNESS: I think they were in their shirts and trousers. They were working on the boat and it was a very warm day.

Mr. LAWSON: Now, Mr. Chairman, at this stage of the proceedings, by reason of Mr. Harvey's evidence, I think we should have brought before the committee Registrar Connolly.

Mr. GRAY: And one William Finlayson.

The CHAIRMAN: You can have Mr. Finlayson, if you want him.

Mr. LAWSON: I will make my motion after I call Mr. Daly.

The CHAIRMAN: The Clerk has handed me, before the proceedings opened this morning, a minute of the proceedings of yesterday. It is purely formal and I think we should O. K. it here. Then, we will approve of the minutes of the proceedings presented by the Clerk.

DENIS ARTHUR DALY, a witness, called and being duly sworn testified as follows:

By Mr. Lawson:

Q. Mr. Daly, you were the Deputy Returning Officer in the polling booth in the riding of East Simcoe held on the polling day, July 28, 1930, in the curling rink at Port McNicoll?—A. Yes, sir.

Q. Can you give us the number of the polling sub-division in the riding of East Simcoe?—A. Seventy-three, I think, but I am not sure. I believe that was it.

Q. Did you after the conclusion of the poll return to the General Returning Officer for the riding of East Simcoe, as required by the Dominion Elections Act, the original voters' list, poll book, etc. which had been supplied to you?—A. I did.

Mr. LAWSON: At this stage, Mr. Chairman, I would make application for the production of the polling list, poll books, etc. of this polling subdivision, which under the statute have now been returned to the Chief Electoral Officer for the Dominion of Canada.

The CHAIRMAN: Mr. Castonguay, you are asked for the official list returned by the Deputy Returning Officer, which was transferred to the Chief Electoral Officer. Will you produce that list?

Mr. CASTONGUAY: There is a certain objection, under section 76. I am prepared to produce it.

The CHAIRMAN: We will note the objection. It is a Crown document, and unless parliament has specially exempted the operation against the Crown, as was done under the Civil Service Act, it must be produced in answer to an order from parliament.

Mr. LAWSON: And in addition to that, I am prepared to argue that even under the statute there is no prohibition against the document being produced before this committee.

Hon. Mr. ELLIOTT: Parliament has ordered it produced.

The CHAIRMAN: It is up to the committee to overrule that ruling. Mr. Castonguay has the full protection of the statute and the committee in respect to it.

Mr. LAWSON: Then, Mr. Chairman, I would like the original list as prepared by the enumerator, and the revised list as supplied to the Deputy Returning Officer.

Mr. CASTONGUAY: Do you want them now?

Mr. LAWSON: I want them for the purpose of dealing with this witness.

The CHAIRMAN: If you have a copy and will say it is certified as a copy, I think the committee will be prepared to accept it. Have you the original list as prepared by the rural registrar?

Mr. CASTONGUAY: Yes, I have that.

The CHAIRMAN: That is the original list and the revised list as prepared by him for use on the election day. Those are the two things that are wanted.

Mr. LAWSON: One is the tentative list, and the other is the list returned by the Deputy Returning Officer to the Chief Electoral Officer.

The CHAIRMAN: As I understand it, there are only two, the first is the preliminary, which is made by the rural registrar, which is posted, but I think a copy is given to each candidate; then it is revised by the revising officer, and that revised list is the list which is sent out to each deputy returning officer for use on the polling day; and those are the two lists which are required.

Could you proceed in the interval? I understand it will be only a few minutes before we have them.

By Mr. Lawson:

Q. Mr. Daly, I think you have already told us that you were the Deputy Returning Officer in the poll to which we have reference in this investigation?—A. Yes.

Q. When were you appointed? I do not need the exact date.—A. Some time about the middle of June, I believe, 1930.

Q. Did you have any other official capacity in connection with the election in East Simcoe of July, 1930, other than as Deputy Returning Officer?—A. Nothing at all.

Q. You were not an enumerator nor a registrar?—A. No.

Q. Prior to the polling day, was a list supplied you of voters entitled to vote in that polling subdivision?—A. Yes.

Q. Was that polling subdivision a rural polling subdivision or an urban subdivision?—A. A rural subdivision.

Q. Were you familiar with the provisions, or did you familiarize yourself, as Deputy Returning Officer, with the provisions of the Dominion Elections Act which enable one not upon the list entitled to vote to comply with the provisions of that Act on polling day?—A. I did the best I could.

Q. And did a man by the name of Alexander Campbell make application to you for a ballot on polling day, July 28th, 1930, in that poll?—A. He did.

Q. Did a man by the name of Frederick Benjamin Chidwick also make application on that day and in that poll for a ballot?—A. He did.

Q. Were either of them given ballots?—A. No.

The CHAIRMAN: Just identify them.

By Mr. Lawson:

Q. Is the gentleman who appeared before this committee to-day under the name of Alexander Campbell the same man to whom you refused a ballot on polling day?—A. The same man.

Q. Is the man who appeared before this committee this morning under the name of Chidwick the same man as the one to whom you refused a ballot on polling day?—A. The same man.

Q. When Campbell came, did he offer to take the oath required by the Elections Act, as to qualifications?—A. Yes.

The CHAIRMAN: First of all, was he challenged by anybody? Unless he was challenged, he ought to have got a ballot.

By Mr. Lawson:

Q. This man Campbell was not upon the list?—A. No.

Q. Had you knowledge from the list or poll book or documents before you that this man's name had been upon the original list prepared by the registrar, and subsequently stricken off during revision?—A. When the man came in for a ballot, the poll clerk told me that this name had been cut off the list.

By the Chairman:

Q. Who was the poll clerk?—A. Joseph Mayo.
 Q. You had possession of the list?—A. I had the list.

By Mr. Lawson:

Q. Yes, and the poll book, and acting upon that information, what did you say to Campbell?—A. I told him I was sorry and I explained the matter to him, that his name had been on the list and had been cut off; and therefore I could not give him a ballot.

Q. And did he thereupon offer to take the oath?—A. Yes.

Q. And did you administer the necessary oath of qualification, as required by the Dominion Elections Act?—A. Not then.

Q. What happened then?—A. I simply told him, as I understood it, the matter had already been dealt with and I had nothing at all to do but to refuse him the ballot.

Q. Who gave you the information that the matter had already been dealt with?—A. I could find nothing in the instructions to cover it, but—

Q. No, no, my dear man. You have just made the statement that you said to Campbell that you understood his name was not upon the list, and that the matter had already been dealt with and that you had no discretion but that you must refuse him the ballot. I ask you where you got that information?—A. I do not think I just follow you.

Q. You told him, I understood, that the matter had already been dealt with and you had nothing to do but refuse him the ballot,—those are your sworn words. I ask you why you understood that?

Mr. GRAY: Because the name was not there.

The CHAIRMAN: That is a perfectly proper question and ought to be answered. You ought not to interfere.

Mr. GRAY: I am a member of the committee, and I can interfere at any time. I do not require permission.

The CHAIRMAN: We will carry this on in an orderly way. This is a perfectly proper question and I have ruled he must answer it.

Mr. GRAY: Do you say, Mr. Chairman, that any member of the committee cannot interfere at any time? At the present time we are having counsel examining a witness. My submission is that any member of the committee at any time can interrupt and ask questions as he sees fit.

Mr. LAWSON: Mr. Chairman, the hon. member is evading the question in his remarks. He did not ask the witness a question, but he made a remark which was suggestive.

The CHAIRMAN: It would be very improper in any court.

By Mr. Lawson:

Q. Now, Mr. Daly, I want to know how and from whom you understood that the question of this man's vote had been dealt with and you had nothing to do but refuse him a ballot?—A. That he had been put on the list and put off.

Q. Is that the only reason?—A. Yes.

Q. Did you not tell me just a few minutes ago that you had endeavoured to familiarize yourself with the provisions of the Dominion Elections Act?—A. I did.

Q. Did you not know that even though a man's name was not upon a list, that man had a right in a rural poll by taking the oath of qualification and having one other elector take the oath vouching for him, to vote in that election?—A. If his name is omitted.

Q. You mean omitted off the list altogether?—A. Yes.

Q. Are you endeavouring to convey to me now that you did not appreciate that still to be the law, because a man's name had been upon an original list and had subsequently been stricken off that list?—A. I would not consider him as a name being omitted.

Q. I want to ask you the specific question: If any man whose name had been upon that list and by the list appeared to have been stricken off, irrespective now of whether you were told he was or was not a sailor, had come before you and taken the oath of qualification, and with him there had come an elector of the riding and taken the oath of one who vouches for a voter, would you have refused that man a ballot?—A. I think I would.

Mr. GRAY: I do not mean to interrupt your questions, but I think you should carry it to a conclusion. The provision of that section says, "Unless he is proceeded against for perjury," which I submit this man was.

Mr. LAWSON: There is no such section.

Mr. GRAY: It is part of the section. I am reading it out of Mr. Thompson's own statement and taking it for granted that this is the section which says "unless he is immediately proceeded against for perjury." Do you know the section, Mr. Thompson?

Mr. THOMPSON: I do not just recall it just now. It is section 232.

The CHAIRMAN: I am told it is in the Act itself, but it is something in the Election Instructions, and I have asked Mr. Biggar to find it for us.

Mr. THOMPSON: In section 64 of the Act, the instruction on page 94, section 232,—that is what is referred to in the margin.

The CHAIRMAN: Section 229 of the Instructions, on page 94 of the Election Instructions is as follows, and I think it is well to have it upon the record:

229. Delivery of Ballot to Voter. If a voter takes the required oath he must be furnished with a ballot unless an information for perjury or personation is immediately sworn, and a warrant forthwith issued for his arrest. On the other hand, a voter who has once refused to be sworn or to answer proper questions is not to be given a ballot either at the time or later in the day, even if upon reflection of encouragement he thinks better of his refusal.

Section 64, of the Dominion Election Act, Name not on List.

64. Subject as herein provided, any person who is qualified to vote in the electoral district and is, on polling day, resident in a rural polling division may, notwithstanding that his name does not appear on the list of voters for such polling division, vote at the appropriate polling station established therefore if, so far as he is aware, his name does not properly appear on the list of voters prepared for any other polling division in the electoral district.

Then, subsection 2:

2. Any such person as is in the last preceding subsection described shall be entitled to vote only (a) upon his being vouched for by some other voter whose name appears on the list for such rural polling division and who is resident therein, and personally attends with him at the polling station and takes an oath in Form No. 36 in Schedule One of this Act, and (b) upon himself taking an oath in Form No. 35.

Then, subsection 3:

3. The poll clerk shall make such additions, alterations and erasures in the voters' list, and such entries in the poll book, as the deputy returning officer directs him to make including the name of the person who vouched for the applicant person, and as are required by any provision of this Act.

Hon. Mr. LAPOINTE: Mr. Chairman, you read Instruction No. 229, but it is 232 which applies to this case.

The CHAIRMAN: This is what was referred to me by Col. Biggar. Now we will see what is in section 232 of the Instructions. There is a note "Not applicable to advance polls."

232. Voter's Name Not on List: Rural Polling Division. Any resident of a rural polling division may vote notwithstanding that his name has been altogether omitted from the list of voters. In any such case the voter must take the oath E on the card, and he must also be vouched for upon oath by some other resident of the polling division whose name is on the voters' list and who must take the oath F on the card. For this purpose, of course, the voter vouching may be admitted to the room at the same time as the voter whose name has been omitted from the list. The oaths the voter is called upon to swear will be noted in the proper column of the poll book and the fact that he has taken them or refused to take them will be entered by the insertion in the next column of the word 'sworn' or the words 'refused to be sworn.' The name and other particulars of the vouching electors, including his number on the voters' list, will be entered in the appropriate columns in the poll book followed in its proper columns by the word 'sworn.' Thereupon the particulars of the voters whose name was omitted from the voters' list will be added to it with the word 'sworn' following, and the voter must be given a ballot unless he is immediately proceeded against for perjury; the deputy returning officer has no discretion to refuse the voter a ballot unless a charge is forthwith laid before him.

Mr. LAWSON: I call your attention, Mr. Chairman, to the fact that those are the Election Instructions which you are reading, and not the section of the Act. Now, may I continue?

The CHAIRMAN: Surely, go ahead.

By Mr. Lawson:

Q. Now, Mr. Daly, I want to be very clear and very fair in my understanding of your position. You tell me now that your understanding of the Elections Act was that it was only in case a man's name was omitted from the list that he could come forward, take the necessary oath, have a voucher, take the necessary oath and be given a ballot?—A. Yes, that is my understanding.

Q. That is your understanding?—A. Yes.

Q. And conversely may I take it that your understanding was that once a man's name was on the list and stricken off, then he could not be permitted to vote even though he took the oath?—A. That is correct.

Q. Then will you tell me why you administered the oath to this man?—A. On the insistent demand of the Hon. Mr. Finlayson.

By the Chairman:

Q. You did not do it at first, then?—A. No, I refused it.

Q. You refused to even take his oath.—A. Yes.

Q. But because of Mr. Finlayson's predominance, you let him take the oath?—A. I thought there was a possibility of my being mistaken.

By Mr. Gray:

Q. What was Mr. Finlayson's position at the poll?—A. He was there on the courtesy of the poll.

Q. Had he been sworn in as a scrutineer?—A. No.

Q. What right had he in the poll?—A. None.

The CHAIRMAN: He had none, as far as I can see, but he was the county member. They were anticipating trouble.

Mr. GRAY: Oh yes.

By Mr. Lawson:

Q. Then, believing as you did that this man was not entitled to vote, you nevertheless administered to him an oath at the behest of Mr. Finlayson?—A. I wanted to give him the benefit of any doubt. I wanted to be perfectly fair and square with him.

Q. And so you administered this oath?—A. Yes.

Q. When you stated early in your evidence that you understood this matter had been dealt with and you had no alternative but to refuse the man a vote, you were, I believe, referring to your understanding and interpretation of the Dominion Elections Act?—A. I may be confused between the Elections Act and the Instructions.

Q. I would include them as one, Mr. Daly?—A. Yes.

The CHAIRMAN: For the purpose of this question. They are not one.

By Mr. Lawson:

Q. Then immediately after this man was sworn, did someone prefer an information against him for perjury?—A. Yes.

Q. Who?—A. Mr. Harvey.

By the Chairman:

Q. How long after this man took the oath?—A. Immediately.

By Mr. Lawson:

Q. And was that information for perjury sworn before you?—A. Yes.

Q. And having received that information and sworn it, did you give any instructions to the constable?—A. I made out the warrant for the constable.

Q. That warrant being one for the arrest of this man Campbell?—A. Yes.

Q. And the same thing applied in connection with Chidwick?—A. Exactly.

Q. The same procedure?—A. Yes.

By the Chairman:

Q. And you delivered them to the constable?—A. Yes..

By Mr. Lawson:

Q. Had anyone conferred with you or given you any instructions prior to the election day, as to what was to be your course of action, or what you were to do?

The CHAIRMAN: Or on election day.

By Mr. Lawson:

Q. Or upon election day, as to persons upon the election list and stricken off?—A. No. That was my trouble, that no one had, other than what I had read in the papers and picked up off the street.

Q. What had you read in the papers and picked up off the street?—A. I had heard a lot of talk for some time that sailors were not eligible to vote.

Q. Did you hear any talk that they were eligible to vote?—A. No.

Q. All the talk you heard was that they were not eligible to vote?—A. Yes.

Q. Whom did you hear doing the talking?—A. Nobody in particular. I could not recall any individuals.

Q. What had you read in the newspapers?—A. Just prior to the election I read in the papers where I think it was our present member, Mr. Thompson, had wired to Ottawa protesting against the fact that sailors were not allowed to vote. And I saw a reply confirming the fact that they were not allowed to vote.

Q. In the newspaper?—A. Yes.

Q. Was the reply printed in full in the newspaper?—A. I think it would be in the form of a letter or a telegram.

Q. What newspaper was it in?—A. I think it was in the Toronto Star or The Telegram.

Q. A wire from the Chief Electoral Officer, you say, to Mr. Thompson?—A. I do not know about the Chief Electoral Officer, it was a wire from Ottawa.

Q. Do you think you would recollect that wire if you saw it again or the contents of it?—A. I do not imagine I would.

Q. But your recollection was that the substance of it was that sailors were not entitled to vote?—A. That is the sailors referred to in Port McNicoll.

Q. That the sailors in Port McNicoll referred to were not entitled to vote?—A. Yes.

Q. What sailors were referred to?—A. It would be the sailors of the C.P.R. boats.

Q. By sailors do you include waiters, stokers and everybody who might be working on those boats?—A. Yes.

Q. And if a man came to you who to your own knowledge had been living in Port McNicoll for years, but working on these boats in some capacity in the summer time, then you would have felt it your duty on the ruling to refuse him a ballot, if he had been on the list and had been stricken off?—A. Yes.

By the Chairman:

Q. Irrespective of the question of his residence?—A. Yes.

By Mr. Lawson:

Q. In those circumstances, Mr. Daly, did you not appeal to the General Returning Officer for the riding for some instructions before actual polling day?—A. No, I did not get my list until, I think it was, Saturday evening.

Mr. GRAY: Just there, Mr. Chairman, is that the duty of the deputy? I would think it would be the duty of the returning officer and not that of the deputy returning officer.

The CHAIRMAN: I would think if any question arose he ought to appeal to the returning officer, who would go to his superior officer.

By Mr. Lawson:

Q. Do I understand you to say, Mr. Daly, that you did not apply to the returning officer for instructions of any kind?—A. No, there was no doubt in my mind in regard to the handling of it, until election day.

Q. And that doubt was created on the election day by the protest, according to you, of Mr. Finlayson?—A. Yes.

Q. Did anything else create any doubt?—A. No, that was all.

By the Chairman:

Q. Then you went into the poll with the fixed idea that none of these men, under the circumstances referred to by Mr. Lawson, were entitled to vote?—A. Yes.

By Mr. Lawson:

Q. Had you known Alexander Campbell before polling day?—A. I had seen him.

Q. Did you know that during certain periods of the year he lived or boarded in Port McNicoll?—A. No, I was not aware of that.

Q. Did you know Chidwick prior to the 28th July, 1930?—A. I had seen him.

Q. Did you know that at certain times of the year or years he boarded in different places or in any place in Port McNicoll?—A. Practically mostly all of the employees on the boat may board at the Canadian Pacific Railway hotel prior to the boat sailing, during what they call the fitting out.

Q. No, did you know of your own knowledge that either Campbell or Chidwick boarded at any place in Port McNicoll for any length of time prior to their going to live upon these boats?—A. No.

By the Chairman:

Q. Had you spoken to Mr. McLean, the Liberal candidate, in respect to this matter before the poll opened?—A. No.

Q. Had you conferred with Mr. Harvey, the Liberal agent, before or at the poll?—A. I was talking with Mr. Harvey the night before the poll.

Q. About this matter?—A. No, we were not discussing this matter in particular.

Q. Were you mentioning it at all?—A. Yes.

Q. What did he say to you or what did you say to him?—A. I forgot what the conversation was, but we were in agreement.

By Mr. Lawson:

Q. Did Harvey tell you that if they came forward and took the oath he would swear out an information against them for perjury?—A. No, I do not remember him making any such statement.

By the Chairman:

Q. Was it understood that if they came forward there would be an information for perjury laid?—A. There was no such statement, as far as I am concerned.

By Mr. Morand:

Q. Who delivered this list to you?—A. It was delivered at my home. I was not there.

By Mr. Lawson:

Q. How many warrant forms were you supplied with for your poll?—A. I think there were two.

Q. That would be a printed form in blank to fill in the names of so-and-so?—A. Yes.

Q. I am speaking now of the warrants which you would issue to a constable after an information had been sworn before you for perjury, you were supplied with two forms only?—A. It was on a sheet, and I think there were only two.

Q. When you speak of a sheet, are you speaking of a sheet of forms?—A. Yes, the warrants came on a sheet, perforated.

Q. And you think there were two?—A. I am quite certain there were two.

Q. And what about the informations to be sworn by any person who wished to swear an information before you, were any forms of that information provided?—A. Yes, I think there were two.

Q. Can you tell me from your recollection whether that day you permitted any man to vote on taking the oath whose name had been upon the list and was shown as stricken off the list?—A. There were none.

Q. None that you permitted to vote?—A. None that I permitted to vote.

By Mr. MacNicol:

Q. You had the list on which the names had been in the first place and then were stricken off, and then the list on which the names did not appear, and those lists did you have with you that day?—A. I had the list which had been given to me by the returning officer, on which the names had been stricken off.

Q. Then the names were not on the list?—A. They had been on there but had been stricken off.

By Mr. Lawson:

Q. In a rural poll, the list is made up by a man who is sometimes called an enumerator, and he sits for five days a certain time before polling day; and if certain conditions occur and he thinks that any name should be stricken off the list he draws a pen through it, or if any should be added he writes it in; and it is that very list and not something made from it which becomes the original list.

Mr. MACNICOL: I got into my head, Mr. Chairman, the idea that the list the returning officer had before him was a new list on which the names were omitted. The names were on the list but had been struck off.

Mr. LAWSON: His view, as I understand his testimony, was that if a man came up before him and swore that he had the qualifications, and if that man's name did not appear on the list anywhere, he would allow him to vote; but if the man's name had been on the list but had been stricken off for any reason, his view was that that man could not vote.

Mr. MACNICOL: Now, may I ask another question?

Q. What would be your argument, then, if a man's name had been on the list and a line had been drawn through it—it was omitted?

Mr. LAWSON: No, he would say that the man's name had been on the list and was stricken off.

By Hon. Mr. Elliott:

Q. I suppose you had your book of instructions there and you would refer to it as the cases arise?

The CHAIRMAN: There would be nothing in it.

Hon. Mr. ELLIOTT: Yes, these very cases are covered by the Instructions. What I am suggesting is that the deputy had his book of instructions there and he would rely upon it to a certain extent, I presume, as the cases arose.

The CHAIRMAN: In reference to the delivery of the ballot; but you are referring to the preparation of the list and the effect of a man's name being originally on the list and being struck through.

Hon. Mr. ELLIOTT: What you are stating, Mr. Chairman, is very secondary to the questions asked of the witness, and it has been discussed as to the effect of a man's name being on the list and being stricken off. His impression was that it was on the list. If it had not been on the list, he would give him the ballot and give him the benefit of the doubt.

The CHAIRMAN: He would let him take the oath.

By Hon. Mr. Elliott:

Q. Your impression was, as I understand it, when you went there, that the striking off by the man who had prepared the list was final?—A. Absolutely.

Q. And that the voter would not have a right to vote, if his name had been stricken off, but upon hearing the arguments that took place in the poll and hearing the Instructions referred to, you did consent to him taking the oath?—A. Yes.

Q. And administered the oath to him?—A. Yes.

Q. And only refused him the ballot upon his arrest?—A. Yes.

By the Chairman:

Q. Had there been no information for perjury, would you or would you not have given him a ballot?—A. I would have given him a ballot.

Mr. MACNICOL: Then, Mr. Chairman, a man whose name is on the list and is stricken off is in an infinitely worse position in regard to the right to vote than is the man whose name was not on the list at all.

The CHAIRMAN: Yes, that is the interpretation which this witness says he put on the law.

By Mr. Gray:

Q. Was Mr. Finlayson in and out of the poll all day long?—A. No, he did not get down until after dinner.

Q. Then was he in and out?—A. I think he stayed inside the poll pretty well.

Mr. GRAY: Mr. Chairman, I see it is 1 o'clock, but I would hate to see the returning officer kept here until next week, if you can finish with him in a couple of questions.

Mr. LAWSON: Yes, I think I can. I could have been finished but for, for the want of a better term, the barrage.

Would Mr. Chief Electoral Officer be good enough to place before the witness the original voting list for this polling subdivision.

Mr. CASTONGUAY: And I have the copy here.

The CHAIRMAN: We can substitute later on the copy for the original which you have here.

Mr. CASTONGUAY: There were two booths for the one poll.

Mr. LAWSON: The top of the list will show the number of the polling booth.

By Hon Mr. Elliott:

Q. Was this polling division No. 1 or polling division No. 2?

The WITNESS: No. 1, I think it was.

The CHAIRMAN: I will mark this original for identification as Exhibit 1, the true copy to be inserted in its place afterwards.

By Mr. Lawson:

Q. Now, witness, will you please look on that list for the name of Alexander Campbell, and throughout I am referring to the list Exhibit No. 1. You point out to me on the list, Exhibit No. 1, voter No. 95 on your list. The name appears in the column as Campbell, A., occupation shown as sailor, post office address shown as Port McNicoll; remarks, none; and a red line drawn through the name and the occupation and the post office address. Is that correct?—A. Yes.

Q. This document which we are referring to as Exhibit No. 1 is a list which you had in your possession as deputy returning officer of poll No. 1 of Port McNicoll, in the riding of East Simcoe, voters whose surnames begin with the letters of the alphabet A to L inclusive?—A. Yes.

Q. Then would you look up the name of Frederick Benjamin Chidwick? There appears upon your list, does there not, under No. 91, Chidwick, F. B.; occupation shown as sailor; post office address shown as Port McNicoll; no remarks of any kind in the Remarks column; and a line drawn in red ink through the name, the occupation and the post office address?—A. That is correct.

Q. Would you look over that list for me and again answer, if you will, after having refreshed your memory by looking it over, whether or not you permitted any elector to vote that day whose name was upon that list and then was stricken off, as in the cases of Campbell and Chidwick?—A. None whatever.

Q. You say none whatever, but just look at it and check them up, to be sure.—A. None that I am aware of.

Q. Still keep that list in front of you for a moment. I observe in the left-hand column of that list a pen mark indicating a tick or a check. What does that pen mark indicate?—A. Nothing to me.

Q. Was it made by you?—A. No.

Q. Then you have no idea of what those ticks represent?

By the Chairman:

Q. Did not you see the poll clerk make those ticks?—A. No, I did not see him make them; I may have seen him make some of them.

By Mr. Lawson:

Q. The poll clerk is the deputy returning officer's servant or assistant on that day. You have no idea of what those ticks represent?—A. I presume it is the fact that they voted.

Q. You have only one name, on your list, of Chidwick, namely the one to which I have previously referred, and it was stricken off?—A. Yes.

Q. And you have only one name upon that list of Campbell, namely the one to which I previously referred and which is stricken off.—A. Yes.

Mr. GRAY: You mean only one name of A. Campbell—there is another F. Campbell, No. 76.

By Mr. Lawson:

Q. Would you qualify that last answer—it should be yes, with the exception of Mrs. F. Campbell?—A. Yes.

Q. Now will you check over that list and see if there is another Chidwick on it? I think that is all, after looking. Then would you look on that list and see if there is a man on there by the name of Ramsay? Oh, he has only from A to L. Then look for the name of Collins?

Mr. GRAY: Joe?—A. There is Joe Collins, that is the only one I see.

By Mr. Lawson:

Q. There appears to be on your list only one man by the name of Collins, namely No. 97, Joe. Colins, listed as a sailor, post office address Port McNicoll; but his name is not stricken off?—A. No.

Q. And there appears opposite this name one of these tick marks in pen, which indicates that he voted?—A. Yes.

Q. Then would you look for the name Lytle?

Mr. GRAY: Lytle, Harold?

Mr. LAWSON: No, he did not vote at this poll. Then might we have produced the original voters' list, by the Chief Electoral Officer, for the surnames of voters in this polling subdivision commencing with the letters M to Z inclusive?

The CHAIRMAN: This is produced by the Chief Electoral Officer, and is marked Exhibit No. 2 for identification, a true copy to be substituted for it, as for Exhibit No. 1.

Mr. LAWSON: May I have that, Mr. Chairman, as I want to put some information upon the record?

The CHAIRMAN: The witness could not identify that.

Mr. LAWSON: No, we have had it identified by the Chief Electoral Officer.

For the purpose of the record, Mr. Chairman, I desire to call to the attention of the committee, from the voters' list, Exhibit No. 2, produced, that there appear upon the list only two males under the name of Ramsay, one being listed as No. 321, name Ramsay, L., occupation engineer, post office address Port McNicoll; name not stricken off, and ticked, indicating that he voted. The other male voter of that name is No. 323, Ramsay, D., occupation engineer, post office address Port McNicoll; not stricken off the list, but a pen tick opposite the name indicating, as we believe, that he voted. And a third male voter by the name of Ramsay, No. 334, name Ramsay, W., occupation sailor, post office address Port McNicoll; not stricken off the list and not ticked off by the usual tick mark, but two hieroglyphics which I cannot interpret marked opposite that name. The committee might have a look at that.

Mr. GRAY: This other copy has the whole list from A to Z.

Mr. MACNICOL: Those hieroglyphics look like A-1 in plain English.

The CHAIRMAN: The poll books are available.

Mr. LAWSON: That is the next thing I want to ask for.

The CHAIRMAN: This is the poll book from poll No. 1, covering A. to L.

Mr. LAWSON: And might we have the poll book for the subdivision of poll No. 1 from M to Z? Subject to those productions by the Chief Electoral Officer, I have no further questions to ask the witness.

The CHAIRMAN: Has anybody any question to ask this witness? We want to let him go.

I understand there is a further witness from Port McNicoll, who has been subpoenaed for lack of time. I think it is desirable for us to hear his evidence to-day, so as to let him go.

Hon. Mr. ELLIOTT: Had you not better go right on?

The CHAIRMAN: I think we had better.

By Hon. Mr. Elliott:

Q. With regard to the Ramsays, do you know the Ramsays?—A. Yes, I do.

Q. Do you know that they reside in Port McNicoll?—A. There is one Ramsay who lives entirely in Port McNicoll; and another one has a home in Port McNicoll; I think he is an engineer on the boat; and the third one is an engineer on the boats; I think he is there, but whether he lives with his brother or not I do not know.

Q. Of course, you cannot speak as to what prompted the enumerator in leaving these men on, or otherwise; but you can only tell us that they are residents, two of these Ramsays, in Port McNicoll regularly?—A. Yes.

Mr. LAWSON: Oh, no, he did no go that far. You said that.

Hon. Mr. ELLIOTT: Two of the three; and as to the other he does not know whether he lives with his brother or not, but that is his impression.

The CHAIRMAN: Is there any further question to be asked of this witness?

Mr. MACNICOL: Not unless he can explain what this A-1 means?

The CHAIRMAN: Which Ramsay is that? I do not see any A-1.

Mr. GRAY: It may be the initial of the polling clerk.

The CHAIRMAN: A-1 would mean that this man was allright. I would suggest that, but I would not swear it. Is there anything more to ask Mr. Daly? If not, we will call Mr. McNamara.

Mr. LAWSON: Mr. Chairman, I think in fairness to you and the committee I should say that as far as I am concerned I have no desire to ask Mr. McNamara any questions at this stage.

The CHAIRMAN: Do you mean to suggest that you may not want him at all, or that you may want him at a later stage?

Mr. LAWSON: I am sorry I cannot say whether he will be of use to this committee, in my opinion, until I have had the opportunity of hearing the evidence of the registrar and one other gentleman whom I am going to ask to have brought here.

The CHAIRMAN: What was Mr. McNamara's position in the riding?

Mr. THOMPSON: Mr. McNamara was the returning officer.

Mr. LAWSON: Frankly, I would rather not have it taken piecemeal.

The CHAIRMAN: Then have we concluded the investigation for this morning?

Mr. LAWSON: I have nothing more this morning.

The CHAIRMAN: And you ask that Mr. McNamara stand over until the other witnesses are called?

Hon. Mr. ELLIOTT: Would Mr. McNamara have to remain here?

Mr. LAWSON: Oh no.

The CHAIRMAN: We have had all the evidence excepting Mr. McNamara, of those called, Col. Biggar and Mr. Castonguay are here. Mr. McNamara will not suffer any loss by having to come again.

Mr. LAWSON: I have one or two requests to be made of the committee. In the first place, I called before the committee this morning a witness whom I considered essential but who was not covered in your order, Mr. McCormick. I would ask that the committee pay him his expenses as he came at my request.

The CHAIRMAN: The Clerk of the House has to pass upon all this, as I understand it, and the witness must be here under the authority of the committee.

Mr. LAWSON: Then I would move, if I may have a seconder, that the usual witness fees and expenses be paid to the witness McCormick who was called here this morning, as he was a necessary and material witness to this investigation.

Mr. MORAND: I second the motion.

Carried.

Mr. LAWSON: Then, Mr. Chairman, I would ask to have subpoenaed and brought before the committee, on whatever day you set next, Mr. Joseph Connolly, of Port McNicoll, who was the enumerator and registrar in connection with this polling subdivision. I would also ask, Mr. Chairman, that you would add, if you will, Mr. W. Ramsay, described in this polling list as a sailor, with the address given as Port McNicoll.

Hon. Mr. ELLIOTT: His number is what?

Mr. LAWSON: He is No. 334 on the list, the fellow with the special hieroglyph which I cannot interpret.

The CHAIRMAN: Any others, Mr. Lawson? I think it will be taken for granted that the subpoenas will be issued.

Mr. LAWSON: As far as we are concerned, we have no desire to keep Col. Biggar and Mr. Castonguay here during the course of the rest of the investigation. I suppose it makes no difference to Mr. Castonguay as he is a permanent official; but we might arrange to telephone to Col. Biggar, when we wish him here, as he has his private practise to attend to. It might be understood that Col. Biggar need not come here until he is telephoned for. While Col. Biggar is here, might we fix the date for the next meeting, so that we may see that it will not interfere with his private engagements.

SELECT STANDING COMMITTEE

The CHAIRMAN: I think Mr. Gray suggested that he might want to call some witness.

Hon. Mr. ELLIOTT: If there are the names of some other witnesses who might assist in this investigation which occur to us, I know nothing about them now, I wonder whether we might have the same privilege in regard to them as Mr. Lawson has?

The CHAIRMAN: Yes, if you find out who they are, communicate with me and the Clerk and we will have a subpoena issued, even although they are not ordered.

I would suggest that the committee meet again next Tuesday at 11 o'clock.

The committee adjourned until Tuesday, June 23, 1931, at 11 a.m.

